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CERTIFICATE OF MAILING

In re Plant Patent Application of: **BRIAN KABBES**

Serial number: **10/624,102**

Group Art Unit: **1661**

Filed: **JULY 21, 2003**

Examiner: **J. HWU**

Titled: **AGASTACHE PLANT NAMED 'AFTER EIGHT'**

Commissioner of Patents
P.O. Box 1450
Alexandria, Virginia 22313

Dear Sir:

I hereby certify that the following papers associated with the above-referenced U.S. Plant Patent application are being deposited as First Class Mail with the U.S. Postal Service on the date shown below.

- Request for Reconsideration
- Substitute Specification
- Change of Correspondence Address

Respectfully submitted,

Date: September 4, 2004

Catherine Anne Whealy
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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SUBSTITUTE SPECIFICATION AND
REQUEST FOR RECONSIDERATION UNDER 37 C.F.R. § 1.125(a)

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313

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Dear Commissioner:

In response to the Office Action mailed June 4, 2004, the Examiner is respectfully requested to reconsider the outstanding rejections in the light of the enclosed substitute specification, claim and abstract.

The disclosure was objected to under 37 U.S.C. § 163(a) and under 35 U.S.C. 112, first paragraph, because the specification presents less than a full, clear and complete botanical description of the claimed plant and the characteristics which distinguish the claimed plant from related, known varieties and its antecedents.

In response to the Objection to the Disclosure, the following brief remarks, substitute specification, claim and abstract have been submitted with respect to the Examiner's comments and requests.

- (G.) Applicant verifies that the coloration of the immature and mature flowers is correct as stated.
- (I.) Applicant verifies that the coloration of the reproductive structures is correct as stated.

Favorable reconsideration of the application is requested in view of the substitute specification, claim and abstract. With these additions and changes, the application is believed to be in condition for allowance, and such action is respectfully requested.

In the event any outstanding deficiencies remain, the Examiner is requested to contact the undersigned agent of record so that allowance of the application can be expedited.

Respectfully submitted,

Catherine Anne Whealy, Registration No. 39,419
P.O. Box 220
Tolar, Texas 76476
TEL: 1-254-835-5150

Date: September 4, 2004



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U. S. PLANT PATENT APPLICATION OF

BRIAN KABBES

FOR: AGASTACHE PLANT NAMED

'AFTER EIGHT'